

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES AND EXCHANGE COMMISSION,
Plaintiff,

-against-

ANTHONY J. THOMPSON, Jr., JAY FUNG, and
ERIC VAN NGUYEN,

Defendants,

-and-

JOHN BABIKIAN and KENDALL THOMPSON
Relief Defendants.

NEW YORK COUNTY DISTRICT ATTORNEY,
Intervenor
-----X

14 Civ. 9126 (ALC)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, pursuant to F.R.Civ.P. 56(a), Local Civil Rule 56.1, and Item 2(E) of the Individual Practices of Hon. Andrew L. Carter Jr., the plaintiff, the Securities and Exchange Commission, hereby moves for summary judgment in its case against Defendant Anthony J. Thompson, Jr. (“Thompson”).

In support hereof, plaintiff submits a supporting memorandum of law, a statement of undisputed material facts, the February 15, 2019 Declaration of Peter Pizzani, with accompanying exhibits, and the February 15, 2019 Declaration of Michael Vitale, with accompanying exhibits.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court’s Order of January 8, 2019, as modified by the Court’s Order of February 5, 2019, all papers to be submitted in opposition to this application shall be filed with the Court and served upon the Commission at

the undersigned address no later than March 8, 2019, with any reply in further support to be filed on or before March 15, 2019.

Dated: February 15, 2019
New York, New York

Respectfully submitted,

X/Howard Fischer

Howard A. Fischer

Peter A. Pizzani

Thomas P. Smith, Jr.

ATTORNEYS FOR PLAINTIFF

Securities and Exchange Commission

New York Regional Office

Brookfield Place, 200 Vesey St., Rm. 400

New York, New York 10281-1022

